



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 1, 2023

VIA ECF

Hon. John G. Koeltl
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

*This case is stayed
until April 17, 2023. The
parties should provide the
Court with a status report on
or before that date.*

Re: *Lyons v. United States Citizenship and Immigr. Servs., et al.,*
21 Civ. 3661 (JGK)

Dear Judge Koeltl:

*so ordered.
2/1/23 JG Koeltl
U.S.D.J.*

This Office represents the Government in this action in which the Plaintiff seeks an order compelling U.S. Citizenship and Immigration Services ("USCIS") to adjudicate an Immigrant Petition by Alien Entrepreneur (Form I-526). I write jointly on behalf of all parties to respectfully request a 74-day stay of this case.

Following the Court's Opinion and Order relating to the Government's motion to dismiss, which granted the motion in part and denied it in part, ECF No. 44, the parties have conferred and have agreed to a timeframe in which USCIS will adjudicate the Plaintiff's I-526 Petition.

Accordingly, in light of the agreed-upon timeframes for adjudication, the parties jointly seek a stay of 74 days, to be calculated from the date of entry of an order staying the case. Should the Court grant this request, the parties propose that at the close of the period of the stay, the parties would provide the Court with a status report, and if the Petition has not yet been fully adjudicated, their respective positions regarding whether the stay should be lifted or extended, or if the Petition has been fully adjudicated, provide the Court with a stipulation and proposed order of dismissal. With respect to the timeframe for adjudication, the parties have agreed upon the following terms:

1. Defendant will take initial adjudicative action on Plaintiff's Petition within 60 days of the date of the entry of the order staying the case.
2. If the initial adjudicative action Defendant takes with respect to Plaintiff's Petition is the issuance of a Request for Clarification ("RFC"), Request for Evidence ("RFE"), or Notice of Intent to Deny ("NOID"), Defendant will take the next adjudicative action within 60 days from the receipt of Plaintiff's response to the initial action. If Defendant issues any subsequent RFC, RFE, or NOID after receiving a response to the initial RFC, RFE, or NOID, Defendant will take the next adjudicative action within 60 days from receipt of Plaintiff's response to the subsequent RFC, RFE, or NOID.
3. Plaintiff's counsel agrees to notify counsel for Defendant via email within 5 days of submission to the Defendant of any response to an adjudicative action, including but not limited to an RFC, RFE, or NOID.

4. If the Petition has not been adjudicated in accordance with the above times, Plaintiff shall notify undersigned counsel, or her assign, in writing and provide Defendant 14 days to remedy the issue.
5. If Defendant is unable to meet these deadlines for reasons out of its control, Defendant agrees to notify counsel for Plaintiff and Plaintiff's counsel agrees to work in good faith with Defendant to resolve the issue prior to seeking judicial intervention.
6. The parties understand and agree that these terms as expressed herein contains the entire agreement between them and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: Counsel of record (via ECF)